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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,880	03/04/2004	Masanori Omi	01-566	4805
23400	7590	05/04/2006	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			GIBSON, ERIC M	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/791,880	OMI, MASANORI	
	Examiner	Art Unit	
	Eric M. Gibson	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-19 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/4/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/4/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1-19 are objected to because of the following informalities:
 - a. In claim 1, line 8, "rout guidance" should be --route guidance--.
 - b. In claim 8, line 3, "lanes of for the road to be followed" needs to delete either "of" or "for" after "lanes".
 - c. Claims 2-19 are necessarily objected as being dependent upon an objected base claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7-15, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Kishi et al. (US005410486A).
 - a. Per claim 1, Kishi teaches a navigation system including road map data storage (10, figure 2), a route calculation unit (28, figure 2), a route guidance unit (32, figure 2), and a change unit (32a, figure 2), wherein the route calculation unit sets a branch point after a distance is exceeded (column 3, lines 51-61).

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b. Per claim 2, Kishi teaches storing data specifying roads (column 4, lines 37-43).

c. Per claim 3, Kishi teaches storing a number of lanes for a road (column 4, lines 38-39) and the change unit changes the distance in accordance with the number of lanes (column 5, lines 55-59).

d. Per claims 4 and 5, Kishi teaches included exclusive turn lanes in the road information (column 6, lines 12-18).

e. Per claims 7-9, Kishi teaches that the change unit predetermines a reference distance that increases as the number of lanes increases (column 5, lines 60-68).

f. Per claim 10, Kishi teaches that the length of the each portion to the reference distance according to the individual number of lanes, the ratios for the portions are summed up until a specified value is reached in accordance with a sequence of the portions toward the destination from the current position, the change unit determines a point on the road to be followed to reach the specified value and assumes a distance from the current position to the point to be the reference distance (column 6, lines 19-55).

g. Per claim 11, Kashi teaches storing road width information (column 6, lines 22-24).

h. Per claims 12-14, Kashi teaches changing the distance in accordance with the road width (column 6, lines 19-55).

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i. Per claim 15, Kashi teaches that a ratio of a length of the each portion to the reference distance according to the individual road width, the ratios for the portions are summed up until a specified value is reached in accordance with a sequence of the portions toward the destination from the current position, the change unit determines a point on the road to be followed to reach the specified value and assumes a distance from the current position to the point to be the reference distance (column 6, lines 19-55).

j. Per claim 19, Kashi teaches a vehicle speed detection unit (22, figure 2) and changing the distance in accordance with the vehicle speed (column 7, lines 25-46).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kishi in view of Hayashi et al. (US006061628A).

a. Per claim 16, Kishi teaches the invention as explained in the rejection of claim 1. Kishi does not teach using traffic data to change the distance of the road to be followed. Hayashi teaches a navigation system for vehicles that uses acquired traffic congestion information to change a distance of a road to be followed (column 7, lines 1-

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53), in order to give the driver adequate time to maneuver into the proper lane to make the required turn. It would have been obvious to one of ordinary skill in the art, at the time of invention, to use acquired traffic congestion information to change the distance of a road to be followed, as taught by Hayashi, in order to the driver adequate time to maneuver into the proper lane to make the required turn.

4. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kishi in view of Schulte (US005737225A).

a. Per claims 17 and 18, Kishi teaches the invention as explained in the rejection of claim 1. Kishi does not teach determining road type information and using that information in the result of the change unit determination. Schulte teaches that the road type information affects the ability to warn about upcoming branch points (column 4). It would have been obvious to one of ordinary skill in the art, at the time of invention, to change the distance in accordance with a road type, as the road type affects the ability to provide notice the driver about the branch point, as taught by Schulte.

Allowable Subject Matter

5. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and to overcome the objections as noted above.

a. Per claim 6, the prior art does not teach or reasonably suggest in combination the present invention including when the destination is not found along the road to be followed and the route calculation unit needs to calculate a route branching

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to another road from the road to be followed, the change unit assumes a number of lanes that are moved for branching to another road from the current position to be a number of lanes immediately before a corresponding branch point, and the change unit changes the distance in accordance with the assumed number of lanes immediately before the corresponding branch point.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamashita et al. (US006388582B2) teaches a lane guidance display method and navigation device. Poppen et al. (US006038509A) teaches a system for recalculating a path. Tamai et al. (US005902350A) teaches generating a maneuver at the intersection through a turn lane. Nimura et al. (US005067082A) teaches a navigation apparatus. Nimura et al. (US004992947A) teaches a vehicular navigation apparatus with help function.

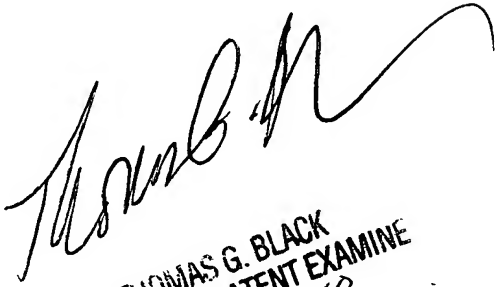
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Gibson whose telephone number is (571) 272-6960. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EMG



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